

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : John Underwood
Serial No. : 09/651,907
U.S. Patent No. : 7,886,221
Filed : August 30, 2000
For : METHOD AND APPARATUS FOR STORING WEB SITE DATA BY WEB SITE DIMENSIONS AND GENERATING A WEB SITE HAVING COMPLEMENTARY ELEMENTS
Examiner : Joshua D. Campbell
Art Unit : 2178

PETITION TO EXPUNGE UNDER 37 CFR §1.59

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

SIR:

The Applicant hereby petitions to expunge information from the prosecution history of the above-captioned matter 37 CFR §1.59. Applicant submits herewith an electronic payment in the amount of \$200. as payment of the fee under 37 CFR 1.17(g). Applicant submits that the expungement of the information is appropriate since it is not accurate.

Applicant requests the following information be expunged from the above-captioned matter:

1. Petition to Accord Application Status Under 37 CFR 1.47(a) filed on October 1, 2012 and the associated attachments;
2. Decision on Petition mailed on December 14, 2010;
3. Request For Reconsideration of Petition Under 37 CFR 1.47(a) and 37 CFR 1.183 To Waive 37 CFR 1.63 and 1.67 filed on April 14, 2011 and the associated attachments; and

4. Decision on Petition mailed April 22, 2011.

The reason for this request to expunge is that the aforementioned Petitions and Decisions relate to the inventorship status of Andrew Dean. Andrew Dean was believed to have been omitted as an inventor. However, a recently identified Declaration, executed by Andrew Dean on February 14, 2001, declares that he is not an inventor.

Based on a review of the present application file by the undersigned attorney, it appeared that Andrew Dean was omitted as an inventor. The reason for the misunderstanding being that an unexecuted copy of a declaration included Andrew Dean as an inventor, while the executed copy of the declaration did not include Andrew Dean (copies enclosed in the aforementioned Petition). An attempt was made to locate each of the inventors, however, the only inventor that could be found was Gary Evesson.

Based on the documents in the present file, the undersigned attorney was under the impression that Andrew Dean was erroneously omitted from the executed declaration, which was drafted by a previous attorney.

Applicant's attorney filed the above-mentioned Petitions to add Andrew Dean to the present application as a non-signing inventor. (Andrew Dean is unable to be located.) However, upon recent review of a related application (09/652,612, now U.S. Patent 7,152,207), which is based from the same two provisional applications (60/163,782 filed November 5, 1999 and 60/184,300, filed February 23, 2000) the under-signed attorney found a Declaration (copy attached) executed by Andrew Dean on February 14, 2011, stating that he is not an inventor of the related application (09/652,612).

Therefore, since the '612 application derives from the same provisional applications, it is now believed that the executed declaration in the present application file, which does not include Andrew Dean as an inventor, is correct.

Applicant respectfully requests the aforementioned four items be expunged from the present application file.

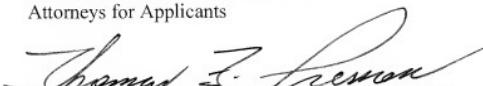
The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and that these

statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is hereby authorized to charge any additionally required fees or credit any overpayment in fees occasioned by this paper to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMERM LAWRENCE & HAUG LLP
Attorneys for Applicants



Thomas F. Presson
Reg. No. 41,442
Tel. No. (212) 588-0800
Fax No. (212) 588-0500

Attachments:

1. Interview Summary and Declaration Transmittal with Declaration by Andrew Dean and Express mail label

Serial No 09/1652,612 File 730305-2014 By PRW
 Title in the Matter of the Application of METHOD AND APPARATUS FOR GENERATING
 Applicant(s)/Inventor(s) INDIGO CLOUD ET AL.

The following due N/A in the U.S. Patent Office, was received in the Patent Office

- Affidavit Declaration
 Amendment
 Preliminary Amendment
 Amendment After Final Rejection
 Request for Extension of Time
 Provisional Patent Application
 Application for Patent, including

- Pages Specification Claims Abstract
 Declaration Oath Power
 Request for Filing Continuation or Divisional Application sheets
 PCT Request sheets, including
 Transmittal Letter
 Request for Continued Exam (RCE)
 Assignment Recordation Cover Sheet
 Amendment Fee Transmittal
 Claims of Priority
 Request for Approval of Drawings
 Diskette with Sequence Listing

- Express Mail Mailing Label # EV895518639
 (separate sheet)
 Check No _____ for \$ _____
 Amex Payment No. _____ for \$ _____
 Deposit Account Order Form
 Drawing Sheet(s)
 Information Disclosure Statement
 PTO Form 1449
 Issue Fee/Publication Fee Transmittal
 Appeal Brief (triplicate) Letter
 Application for TM Registration Including Specimens
 Status Request Notice of Appeal (triplicate)
 Petition Response
 Priority Document Statement of Use
 Response to Examiner's Statement
 Search Report
 Response to Notice to File Missing Parts

VIA EXPRESS MAIL 7-26-2006



EV 895518639 US

Mailing Label
Label 11-F, April 2004



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)		
PO ZIP Code	Day of Delivery	Postage
	<input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd Del Day	\$
Date Accepted	Scheduled Date of Delivery Return Receipt Fee	
Mo. Day Year	Month Day	\$
Time Accepted <input type="checkbox"/> AM	COO Fee	Insurance Fee
<input type="checkbox"/> PM	\$	\$
Flat Rate <input type="checkbox"/> or Weight lbs. ozs.	Total Postage & Fees	
	\$	
	Int'l Alpha Country Code Acceptance Emp. Initials	

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional insurance coverage is available if signature is requested. I accept delivery to the mail without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday Customer Signature		

CUSTODIAN USE ONLY	
METHOD OF PAYMENT:	
Express Mail Corporate Acct. No.	

Federal Agency Acct. No. or Postal Service Acct. No.
--

FROM: (PLEASE PRINT) PETER WITSTANDLEY PHONE: 212 588 0800
 FRUNMER LAWRENCE & HAUG, LLP
 745 5TH AVE FL 10 NY 10151-0099

TO: (PLEASE PRINT) MAIL STOP AT
COMMISSIONER FOR PATENTS
P. O. Box 1450
ALEXANDRIA, VA 22313-1450

FOR PICKUP OR TRACKING: Visit WWW.USPS.COM or Call 1-800-222-1811



PRESS HARD. YOU ARE MAKING 3 COPIES.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John UNDERWOOD et al.
Serial No. : 09/652,612
For : METHOD AND APPARATUS FOR PROVIDING
CONDITIONAL CUSTOMIZATION FOR
GENERATING A WEB SITE
Filed : August 30, 2000
Examiner : Matthew J. Ludwig
Art Unit : 2178

745 Fifth Avenue
New York, NY 10151

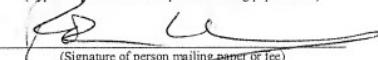
EXPRESS MAIL

Mailing Label Number: EV 895518639 US

Date of Deposit: July 26, 2006

I hereby certify that this paper or fee is being deposited with the
United States Postal Service "Express Mail Post Office to
Addressee" Service under 37 CFR 1.10 on the date indicated
above and is addressed to the Mail Stop AF Commissioner of
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PETER WITHSTANLEY
(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

INTERVIEW SUMMARY AND DECLARATION TRANSMITTAL

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

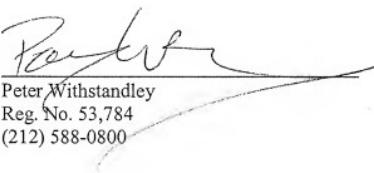
Dear Sir:

Applicants wish to thank the Examiner for taking the time to speak with applicants' representative, Peter Withstandley on July 19, 2006 regarding the pending issuance of a patent in the above-identified application. Examiner Ludwig indicated that in order for issuance to move forward, applicants should file a copy of a declaration of Mr. Andrew Dean disclaiming his

inventorship of the subject matter of the present application.

Accordingly, applicants hereby file a declaration of Andrew Dean. Applicants believe this puts the present application in position for issuance of a patent.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP


Peter Withstandley
Reg. No. 53,784
(212) 588-0800

DECLARATION

FROMMER LAWRENCE & HAUG LLP

File No.: 730301-2014

I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am not an original, first and/or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED: METHOD AND APPARATUS FOR PROVIDING CONDITIONAL CUSTOMIZATION FOR GENERATING A WEB SITE , or any subject matter included in the specification which is attached hereto was filed on August 30, 2000 as United States PCT Application No. 09/652,612, with amendments through Preliminary Amendment dated October 26, 2000 (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: 

Date: 2/14/2001

Full name:

Andrew DEAN

Residence:

10 E. 29th Street, Apt. 37F,
New York, NY 10016

Citizenship:

Australia

CHRISTINE L. IGUE
Notary Public, State of New York
No. 4924589
Qualified in Queens County
Commission Expires May 9, 2008

